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AIDS Healthcare Foundation;
Coalition to Preserve LA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

AIDS HEALTHCARE FOUNDATION;
COALITION TO PRESERVE LA

Petitioners,
v.

CITY OF LOS ANGELES

Respondent.

6400 Sunset LLC;
Does 1-10

Real Parties In Interest

CASE NO.: **19STCP03103**

**PETITION FOR WRIT OF
MANDATE**

(Violation of California Environmental
Quality Act, Community Redevelopment
Law, Subdivision Map Act, and Planning
and Zoning Law)

INTRODUCTION

1. Over strong public opposition and in violation of the California Environmental Quality Act (“CEQA”), Community Redevelopment Law, and Planning and Zoning Law, on June 25, 2019, the City of Los Angeles (“City”) approved various entitlements for a mixed use development at 6400 West Sunset Boulevard (“Project”). The Project was proposed by Real Party in Interest 6400 Sunset LLC.

2. Instead of conducting environmental analysis of the proposed Project as required by the CEQA, the City relied upon a Sustainable Communities Plan Exemption (“SCPE”) from CEQA. This exemption was inapplicable because the criteria to qualify for such an exemption were not met. The proposed Project would demolish a cultural resource, the Amoeba Records building, that substantial evidence showed would be eligible for listing on the California register of historic places because of its culturally significant murals associated with significant artists. Furthermore, the City failed to comply with the procedural requirements required for utilizing a SCPE because it failed to circulate a draft of the sustainable communities environmental assessment for a period of 30 days.

3. The Project fails to provide an amount of affordable housing that would allow the City to comply with the requirements of the Hollywood Redevelopment Plan. The Redevelopment Plan requires that 15% of residential units built in the area be affordable units. To this point the City has failed on an areawide basis to provide the required number of affordable units, falling short in production of low and moderate income units by 331 units in 2008 and worsening that shortfall ever since. Its approval of the Project worsens that shortfall by providing fewer affordable units than would be necessary to meet areawide affordable housing goals.

4. Hollywood has been experiencing explosive development, which has led to increased traffic, the demolition of historic buildings, the destruction of existing affordable housing, and the inadequate provision of affordable housing with new construction of market rate units.

5. Because the City failed to provide adequate environmental review with full disclosure of the Project's extensive adverse impacts, reviewable by the public, as required by the California Environmental Quality Act, and it violated Planning and Zoning Law and Community Redevelopment Law requirements for consistency of the Project with the Community Redevelopment plan and provision of affordable housing, the City's approvals of the Project must be set aside as an abuse of discretion.

JURISDICTION

6. This Court has jurisdiction over the writ action under section 1094.5 of the Code of Civil Procedure. This Court also has jurisdiction over the writ action under section 1085 of the Code of Civil Procedure, and sections 21168 and 21168.5 of the Public Resources Code.

PARTIES

7. AIDS Healthcare Foundation (AHF) is a nonprofit organization based in Los Angeles providing cutting-edge medicine and advocacy to over 1,000,000 people in 43 countries. AHF is currently the largest provider of HIV/AIDS medical care in the U.S. Generating new, innovative ways of treatment, prevention and advocacy has been the hallmark of AHF's success. Since 1987, AHF has cared for millions of people living with HIV and AIDS worldwide. AHF creates and implements new programs in communities across the U.S. and abroad, expanding delivery of healthcare and influencing policy with the aim of saving more lives. Many of AHF's clients and patients are at risk of homelessness and are in extremely low, very low, low, or moderate income households that would qualify for affordable housing. Homelessness and housing instability have a significant negative impact on health, especially for those who are already chronically ill. AHF launched the Healthy Housing Foundation ("HHF") to provide decent housing units at an affordable cost to low-income people, including families with children, and those previously unsheltered or homeless. AHF has purchased and rehabilitated a string of properties in the Los Angeles area since October 2017 and has renovated them for affordable housing.

8. Petitioner Coalition to Preserve LA is an unincorporated association composed of concerned residents seeking a positive future for Los Angeles through good land use

1 planning, environmental stewardship, transparent government, availability of affordable
2 housing, and community empowerment.

3 9. Respondent City of Los Angeles is a political subdivision of the State of
4 California.

5 10. Real Party in Interest 6400 Sunset, LLC is the applicant and recipient of the
6 approvals associated with the Project.

7 11. Real parties named as Does I to X are given fictitious names because their names
8 and capacities are presently unknown to Petitioners.

9 **STATEMENT OF FACTS**

10 **The Project Site and Its Surroundings.**

11 12. The Project site consists of 0.83 non-contiguous acres, located in the
12 Hollywood Community Plan Area where Hollywood Boulevard meets Cahuenga Boulevard.
13 The Project is generally bounded by Sunset Boulevard, Cahuenga Boulevard, and Ivar
14 Avenue, but is split by single-story buildings currently used as nightclubs.

15 13. The site is divided into a northern portion, which is currently developed with
16 the Amoeba Music building, and a southern portion, which consists of a 21-space surface
17 parking lot. The Project proposes to develop only the northern portion at this time.

18 14. The land use designation is "Regional Center Commercial," and zoned C4-
19 2D-SN.

20 15. The Project authorizes construction of a mixed-use development containing
21 200 residential units, of which five percent (10 units) would be reserved for Very Low-Income
22 households. The Project would be 26 stories and 284 feet tall. Six of the building's floors
23 would serve as a parking garage, four of which would be located aboveground. The ground
24 floor of the Project would contain 7,000 square feet of commercial space.

25 16. The Project would demolish an existing three-story, 47-foot-tall commercial
26 structure with 43,077 square feet of floor area and a single-level subterranean parking garage.
27 The existing commercial building has housed Amoeba Music since 2001.

28 17. The Project would construct 231,836 square feet of new floor area, 190,735

1 square feet of new residential floor area, and a maximum Floor Area Ratio (FAR) of 6:1. This
2 FAR depends on the continued use of the southern half of the Project site as a surface parking
3 lot.

4 18. Although the Los Angeles Municipal Code requires the provision of 22,875
5 square feet of open space, the majority of this open space will not be available to the public.
6 Some of this open space will be located in a private penthouse. Other “open space” includes
7 amenities intended only for Project residents.

8 19. The Project is surrounded by a one-story commercial building to the north,
9 the four-story ArcLight Cinema Complex to the east, a one-story commercial building and
10 alley to the south, and the 14-story CNN office building to the west. A 19-story hotel has been
11 approved north of the Project site, but construction has not yet occurred.

12 20. Access to the Project will occur by surface streets and the 101 Freeway,
13 which runs approximately 0.8 miles east of the Project site and has on- and off-ramps at
14 Cahuenga Boulevard, Highland Avenue, Western Avenue, Sunset Boulevard, and Santa
15 Monica Boulevard.

16 17 **The Proposed Project Application Process.**

18 21. Throughout development of the Project, City staff raised concerns about its
19 reliance on an elevated parking podium, the appearance of the podium, and the barriers such a
20 podium would present to activating the Project’s streetscape. The applicant updated the
21 Project’s plans in August 2018 and March 2019, but failed to satisfy staff concerns.

22 22. On September 4, 2018, the Urban Design Studio presented the Project to the
23 Professional Volunteer Program. The program provided feedback concentrated on the
24 monolithic appearance of the parking podium.

25 23. The Project proponent applied for a “Sustainable Communities Project”
26 exemption from compliance with CEQA. This exemption, contained within Public Resources
27 Code section 21155.1, applies to transit priority projects that would not have unmitigated
28

1 environmental impacts, public health impacts, historic resources impacts, and that meet a
2 multitude of requirements for energy efficiency.

3 24. As the City reviewed the Project, it approved several other large
4 developments in the immediate vicinity. On September 13, 2018, the City Planning
5 Commission approved a density bonus and conditional use permit for the construction of eight
6 buildings, 950 residential units, 308 hotel rooms, and 190,000 square feet of commercial and
7 retail uses in the Crossroads Project, located at 6701 West Sunset Boulevard. At that same
8 meeting, the City Planning Commission approved entitlements for a mixed-use building at
9 6200 West Sunset Boulevard containing 12,120 square feet of commercial retail and restaurant
10 uses. The previous week, on September 8, 2018, the City Planning Commission approved
11 entitlements for a 275-room hotel at 6407 Sunset Boulevard. In February 2018, the City
12 Planning Commission approved entitlements for a 275-room hotel at 1400 North Cahuenga
13 Boulevard. In 2016 and 2017, the city approved entitlements a 200-unit residential building
14 with 285,719 square feet of office space and 16,315 square feet of restaurant space at 1341
15 North Vine Street; and a 369-unit residential building at 1311 Cahuenga Boulevard; a 200-unit
16 residential building at 6250 West Sunset Boulevard.

17 25. On October 25, 2018, Petitioner Coalition to Preserve LA submitted a letter
18 to the City Council's Planning and Land Use Management (PLUM) Committee, objecting to
19 the potential Sustainable Communities exemption from CEQA. Petitioner described the
20 failure of the Project to be adequately served by existing utilities, its impacts on the historic
21 Amoeba Music store, and the failure to conduct a preliminary endangerment assessment due to
22 the site's prior use as a gas station and service center. These are all requirements of the
23 Sustainable Communities Exemption. Petitioner's letter further questioned the failure to
24 conduct a health risk assessment. The letter further objected to the City's failure to circulate a
25 draft of a sustainable communities environmental assessment for at least a thirty day review
26 period as required by Public Resources Code section 21155.2 subdivision (b) (3).

27 26. The PLUM Committee of the City Council found the Project exempt from
28 CEQA at a meeting on November 6, 2018.

1 27. On November 21, 2018, the City Council followed suit, deeming the Project
2 exempt from CEQA pursuant to Public Resources Code section 21155.1.

3 28. On January 9, 2019, the Advisory Agency approved Vesting Tentative Tract
4 Map No. VTT-74496-CN, merging the Project's lots, after a public hearing conducted by the
5 Hearing Officer for the City Planning Commission and the Advisory Agency. Members of the
6 public testified that the Project was not properly exempt from CEQA and that the Project
7 contained insufficient affordable housing, would damage historic resources, and would set a
8 negative precedent for the area.

9 29. The City claimed that the CEQA exemption was not before the Advisory
10 Agency and that no action was taken on the Project's CEQA compliance at that hearing.

11 30. Petitioner Coalition to Preserve LA appealed the Advisory Agency's action
12 on the Vesting Tentative Tract Map on January 28, 2019. The appeal raised the failure to
13 address Petitioner's previous comments, the use of a CEQA exemption for the Project, and the
14 City's separate review and approval of the Project's entitlements.

15 31. On March 13, 2019, Petitioner submitted a letter to the City Planning
16 Commission outlining its objections to the Project. Petitioner asked the City to require at least
17 15 percent affordable housing (instead of five percent) so that the Hollywood Area may
18 comply with the Hollywood Redevelopment Plan and Community Redevelopment Law.
19 Petitioner's letter further explained the Project's inconsistencies with the Hollywood
20 Community Plan and incorporated its October 25, 2018 letter.

21 32. The City Planning Commission approved the Project at a hearing held on
22 March 14, 2009 and affirmed the use of the Sustainable Communities exemption from CEQA.

23 33. Petitioner Coalition to Preserve LA appealed this approval on April 17, 2019.
24 Petitioner again enumerated its concerns with the Project's CEQA exemption, the changes in
25 circumstances and new information that required EIR review, piecemealing of approvals,
26 failure to provide sufficient affordable housing to satisfy Community Redevelopment Law and
27 the Hollywood Redevelopment Plan, and inconsistencies with adopted City plans.

34. On June 7, 2019, the PLUM Committee scheduled Petitioner's appeal of the Project's approvals for June 11, 2019.

35. On June 11, 2019, Petitioner supplemented its comments regarding the Project and its failure to provide sufficient affordable housing with the City's Annual Housing Element Progress Reports. The documents submitted demonstrated that the City has failed to provide the 15 percent of affordable housing units required in the Hollywood Community Plan area.

36. The PLUM Committee heard Petitioner's appeal of the Project on June 11, 2019. The appeal was denied, and the matter was transmitted to the City Council.

37. Without notifying Petitioners, on June 21, 2019, the City scheduled the final City Council meeting for the Project on June 25, 2019.

38. The City Council approved the Project on June 25, 2019.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

AND INADEQUATE REMEDIES AT LAW

39. Petitioners objected to the Project in the administrative process and fully exhausted their administrative remedies. Petitioners submitted letters and testified during public hearings for the Project during the comment period raising the issues set forth herein.

40. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law unless this Court grants the requested writs of mandate and injunctive relief. In the absence of such remedies, Respondent's approval of the Project would form the basis for a development project that would proceed in violation of state law.

41. Petitioners have complied with Public Resources Code section 21167.7 by filing a copy of this petition with the California Attorney General. A copy of that notice is attached as Exhibit A.

42. Petitioners have complied with Public Resources Code section 21167.5 by providing the City of Los Angeles with notice of its intention to commence the action. A copy of that notice is attached as Exhibit B.

43. Petitioners elect to prepare the administrative record. A copy of that election is

1 attached as Exhibit C.

2 **FIRST CAUSE OF ACTION**

3 **(VIOLATIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT)**

4 44. Petitioners incorporate all previous paragraphs as if fully set forth.

5 **The Project is Not Exempt from the California Environmental Quality Act.**

6 45. CEQA requires the City to conduct an adequate environmental review prior
7 to making any formal decision regarding projects subject to CEQA. (CEQA Guidelines, 14
8 Cal. Code Regs. § 15004). Further, CEQA requires adoption of all feasible mitigation
9 measures that will reduce adverse environmental impacts. Under the CEQA Guidelines, a
10 project may have a significant impact on land use if it "conflict[s] with any applicable land use
11 plan, policy, or regulation of an agency with jurisdiction over the project . . . adopted for the
12 purpose of avoiding or mitigating an environmental effect." (Guidelines §15125 subd. (d).)

13 46. Public Resources Code section 21155.2 requires that a sustainable communities
14 project be reviewed through a "sustainable communities environmental assessment." (Pub.
15 Resources Code § 21155.2 subd. (b).) This sustainable communities assessment must be
16 released in draft and "circulated for public comment for a period of not less than 30 days."
17 (Pub. Resources Code § 21155.2 subd. (b)(3).) Notice must be provided in the same way as
18 for an EIR under Public Resources Code section 21092. (*Ibid.*) No such notice was provided,
19 and no such environmental assessment was released in draft form.

20 **The Project Cannot Meet the Requirements for Review of a Transit Priority Project.**

21 47. Public Resources Code section 21155.1 requires that a sustainable
22 communities project can be adequately served by existing utilities. (Pub. Resources Code §
23 21155.2 subd. (a)(1).) This finding cannot be made for this project. Five water main ruptures
24 occurred in nearby areas between 2010 and 2014. The water mains in the area serving the
25 project are all over 75 years old. Therefore, with massive new development, the water main
26 infrastructure is inadequate to serve the Project and other nearby projects approved by the
27 City.

28 48. Public Resources Code section 21155.1 requires that a sustainable
communities project not have a significant effect on historic resources. (Pub. Resources Code
§ 21155.2 subd. (a)(5).) This finding cannot be made for this project. The Project would

demolish the Amoeba Music store. Amoeba Music, currently occupying the site, meets at least two criteria of significance for registration in the California Register of Historic Resources under Public Resources Code section 21084.1 for its association with the lives of persons important to local and state history and for its association with events contributing to broad patterns of cultural heritage. The murals on the interior and exterior of the Amoeba Music building qualify as historic cultural resources as they are by original Amoeba northern California artist Larry Smulian aka Silver, an independent African-American graphic designer of Berkeley, California, and Brian Blesser, the murals' executor. Michael Alvarez was commissioned to add interior and exterior murals at Amoeba. The Historic Resources Technical Report prepared in August 2018 does not mention the murals or their historic cultural significance.

Consistency with the Hollywood Redevelopment Plan Was Not Ensured.

49. "[T]he requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." (*Debottari v. City of Norco* (1985) 171 Cal.App.3d 1204, 1213.) A redevelopment plan must be consistent with the general plan and proposed projects must be consistent with both.

50. The Project must be consistent with the Hollywood redevelopment plan. The Project does not meet Hollywood Redevelopment Plan goals (9) and (10). These Hollywood redevelopment plan goals include the following:

(9) Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population.

(10) Promote the development of sound residential neighborhoods through mechanisms such as land use, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, traffic and circulation programming, development of open spaces and other support services necessary to enable residents to live and work in Hollywood.

51. The Project is not consistent with the redevelopment plan that requires at least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be for persons and families of low or moderate income; and of such fifteen percent, not less than forty percent (40%) thereof shall be for very low income households. The Project does not meet, nor does it sufficiently assist the City in meeting, the required housing targets.

SECOND CAUSE OF ACTION
**(VIOLATIONS OF PLANNING AND ZONING LAW AND COMMUNITY
REDEVELOPMENT LAW REQUIREMENTS.)**

52. Petitioners incorporate by reference herein each and every allegation contained in the previous paragraphs.

53. The City failed to require that the Project provide an amount of affordable housing necessary to meet the requirements of the Hollywood Redevelopment Plan and Community Redevelopment Law.

54. The Project must be consistent with the general plan and with the redevelopment plan. (Govt. Code § 65300.5; *Families Unafraid to Uphold Rural Etc. County v. Board of Supervisors, supra*, 62 Cal.App.4th at p. 1336.) A project is inconsistent if it conflicts with a plan policy that is fundamental, mandatory, and clear. (*Families Unafraid to Uphold Rural Etc. County v. Board of Supervisors, supra*, 62 Cal.App.4th. at pp. 1341-1342.)

55. The Government Code mandates that if a proposed tentative map is inconsistent with General Plan policies the City “shall deny approval” of it. (Govt. Code § 66474.)

56. In the Hollywood Redevelopment Plan area, the Redevelopment Plan requires that *all* project proponents, whether public or private, provide at least 15% affordable units in proposed housing development.

57. The requirement for the provision of affordable housing is fundamental, mandatory, and clear. The Redevelopment Plan states:

At least fifteen percent (15%) of all new or rehabilitated units developed within the Project Area by public or private entities or persons other than the Agency shall be

1 *for persons and families of low or moderate income*; and of such fifteen percent, not
2 less than forty percent (40%) thereof shall be for very low income households.

3 (Hollywood Redevelopment Plan, P. 17, section 410.4, emphasis added.)

4 58. In addition to the Redevelopment Plan requirements, Community
5 Redevelopment Law requires 15% set asides. (Govt. Code section 33413 subds. (b) (1) and
6 (b)(2)(A)(i).) The Supreme Court has noted the Legislature has explicitly required that new
7 residential development in redevelopment areas include affordable units. (*California Building*
8 *Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 445–446.)

9 59. The Project would include 200 units of residential housing, but is proposed
10 with a mere 10 (5%) affordable units.

11 60. To comply with the Hollywood Redevelopment Plan’s and Municipal Code’s
12 minimum requirements, the Project must provide at least 15% affordable units (30 units).

13 61. On an areawide basis, the City has fallen short of its obligation to produce
14 low/moderate income units and has a deficit of at least 331 Low/Moderate Income Units
15 according to page 32 of the May 15, 2008 “5-Year Implementation Plan (2009-2013).”
16 Therefore, whether the project is considered alone or as part of an areawide requirement, the
17 City fails to meet its obligations to produce sufficient low/moderate income units. By setting
18 aside only 5% Very Low Income units, the Project is failing to produce the required amount of
19 affordable units, and is not producing any low or moderate income units at all.

20 **The City Improperly Relied Upon an Outdated General Plan to Support its**
21 **Consistency Findings.**

22 62. To be legally adequate, the mandatory elements of the general plan must
23 meet the minimum requirements contained in state law. (*Buena Vista Gardens Apartments*
24 *Ass’n v. City of San Diego* (1985) 175 Cal.App.3d 289, 298; *Twain Harte Homeowners Ass’n*
25 *v. County of Tuolumne* (1982) 138 Cal.App. 3d 664, 699.) The land use element must include
26 standards of population density based on accurate and reasonably current numbers of people
27 and building intensity. (Govt. Code section 65302 subd. (a) [“The land use element shall
28 include a statement of the standards of population density and building intensity recommended
 for the various districts and other territory covered by the plan.”]) Because the current

1 Hollywood Community Plan contains woefully outdated population projections and densities,
2 it cannot serve as a valid basis for a finding of consistency with the general plan. In *Camp v.*
3 *Board of Supervisors* (1981) 123 Cal.App.3d 334, 348, the court held it was not possible to
4 approve a development project because appropriate general plan consistency findings could
5 not be made using a general plan that did not meet state requirements for adequacy.

6 63. The Hollywood Community Plan (HCP) has not been updated in a legal way
7 since the 1980s. Although the City attempted to update the HCP several years ago, that HCP
8 amendment was struck down in Court for violating Government Code consistency
9 requirements. The Los Angeles Superior Court, the Honorable Judge Goodman presiding,
10 found that the Hollywood Community Plan as proposed by the City at that point was
11 “fundamentally flawed.” ([https://patch.com/california/hollywood/judge-rues-hollywood-](https://patch.com/california/hollywood/judge-rues-hollywood-community-plan-fundamentally-flawed)
12 [community-plan-fundamentally-flawed.](https://patch.com/california/hollywood/judge-rues-hollywood-community-plan-fundamentally-flawed)) This case is *Fix the City v. City of Los Angeles*, Los
13 Angeles Superior Court case number BS138580. Until the new HCP, under review at the time
14 of Project approval, was adopted in a legally sufficient manner, the City could not make a
15 consistency finding with the HCP because the HCP is based on outdated information and
16 assumptions about population growth and density. Therefore, the City could not legally
17 approve the Amoeba Project until after an updated HCP was validly adopted. No updated
18 HCP has yet been adopted.

19 **THIRD CAUSE OF ACTION**
20 **(VIOLATION OF COMMUNITY REDEVELOPMENT LAW BY FAILURE TO**
21 **PROVIDE SUFFICIENT AFFORDABLE HOUSING IN THE HOLLYWOOD**
22 **REDEVELOPMENT AREA.)**

23 64. Petitioners incorporate by reference herein each and every allegation
24 contained in the previous paragraphs.

25 65. Redevelopment agencies were created by local legislative bodies in
26 accordance with the State Community Redevelopment Law (“CRL”). (Health & Safety Code
27 §§ 33101-33105.) Redevelopment agencies were established to eliminate blight and increase
28 the supply of housing in a manner that cannot be accomplished by private enterprises alone.

1 (Health & Safety Code §§ 33030, 33037, 33320.1.) Agencies designated one or more
2 redevelopment project areas, each governed by its own redevelopment plan, to accomplish
3 eradication of blight. (Health & Safety Code §§ 33320.1, 33322, 33367.)

4 66. To increase the supply of housing, the CRL requires the inclusion of
5 affordable housing units when a redevelopment agency or other entity develops any new
6 housing, or substantially rehabilitates existing housing, within the project area. A percentage
7 of these units must be available and affordable to, and actually occupied by, households with
8 very low, low and moderate incomes. (Health & Safety Code § 33413 subd. (b).)

9 67. All redevelopment agencies dissolved as a matter of law on February 1, 2012,
10 pursuant to legislation that amended the CRL, in accordance to Stats. 2011-12 1st Ex. Sess. Ch.
11 5, June 29, 2011 (“ABx1 26” or “Dissolution Law”), as modified by the decision of the
12 California Supreme Court in *CRA v. Matosantos*, 53 Cal.4th 231 (2011), and as amended by
13 Statutes 2012, Chapter 26, enacted June 27, 2012 (AB 1484). When the redevelopment
14 agencies dissolved pursuant to ABx1 26, any “tax increment” that would have been allocated
15 to redevelopment agencies is instead allocated to successor agencies for payment of
16 enforceable obligations incurred by the former redevelopment agencies; the remaining
17 balances were allocated in accordance with applicable constitutional and statutory provisions.
18 (Health & Safety Code § 34183, ABx1 26, at Ch. 5, § 1 (i).)

19 68. The Dissolution Law established successor agencies to carry out the duties of
20 the former redevelopment agencies. Successor agencies could retain the housing functions of
21 the former redevelopment agency or transfer those responsibilities to another entity. (Health &
22 Safety Code § 34176.)

23 69. The obligation to provide affordable housing pursuant to Section 33413 is a
24 duty imposed by law upon the former redevelopment agency, which is now an enforceable
25 obligation under the terms of the Dissolution Law. (Health & Safety Code § 34171 subd.
26 (d)(1).) The Dissolution Law requires the Housing Successor to prepare an Annual Report on
27 its housing activities, including any outstanding obligations pursuant to Section 33413, its
28 progress towards meeting those obligations, and its plans to meet the unmet obligations.

1 (Health & Safety Code § 34176.1(f).)

2 70. On an areawide basis in the Hollywood Redevelopment Area, the City has
3 fallen short of its obligation to produce low/moderate income units and has a deficit of at least
4 331 Low/Moderate Income Units according to the May 15, 2008 “5-Year Implementation Plan
5 (2009-2013).” Petitioners are informed and believe that the 2008 Implementation Plan is the
6 most recent plan that has been produced and that the City and CRA/LA have failed to produce
7 more recent implementation plans. Therefore, whether the Project is considered alone or as
8 part of an areawide requirement, the City fails to meet its obligations to produce sufficient
9 low/moderate income units. By setting aside only 5% Very Low Income units, the Project is
10 failing to address the shortage of units for lower income people, and is failing to produce any
11 low or moderate income units at all.

12 **PRAYER FOR RELIEF**

13 In each of the respects enumerated above, Respondent has violated its duties under law,
14 abused its discretion, failed to proceed in the manner required by law, and decided the matters
15 complained of without the support of substantial evidence. Accordingly, the adoption of the
16 SCPE and the approval of the Project must be set aside.

17 WHEREFORE, Petitioners pray for relief as follows:

18 1. For an alternative and peremptory writ of mandate, commanding Respondent to
19 set aside and vacate its approval of the Project; and

20 2. For an order enjoining Respondent and Real Parties in Interest from taking any
21 action to construct any portion of the Project or to develop or alter the Project site in any way
22 that could result in a significant adverse impact on the environment unless and until a lawful
23 approval is obtained from Respondent after the preparation and consideration of an adequate
24 EIR.

25 3. For an order ensuring the Respondent provides adequate affordable housing in
26 the Hollywood Redevelopment Plan area as required by the Hollywood Redevelopment Plan.

27 4. For declaratory relief;


28 5. For costs of the suit;

6. For reasonable attorneys' fees; and

7. For such other and further relief as the Court deems just and proper.

DATE: July 22, 2019

Respectfully Submitted,
CHATTEN-BROWN CARSTENS
& MINTEER LLP

By: 

 Douglas P. Carstens
 Michelle Black
 Attorneys for Petitioners

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VERIFICATION

I, the undersigned, declare that I am president of AIDS Healthcare Foundation, a
Petitioner in this action. I have read the foregoing Petition For Writ Of Mandate and know the
contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
22nd day of July 2019, in Los Angeles, California.



Michael Weinstein

EXHIBIT A



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July 22, 2019

By U.S. Mail

California Attorney General
300 South Spring Street, Ste. 1700
Los Angeles, CA 90013

Re: Challenge under the California Environmental Quality Act to
approval of the project at 6400 West Sunset Boulevard.

Honorable Attorney General:

Please find enclosed a copy of the Petition for Writ of Mandate filed to challenge the City of Los Angeles' failure to comply with the California Environmental Quality Act (CEQA) in its approval of a 26-story mixed use development at 6400 West Sunset Boulevard in Hollywood, without preparation of an environmental impact report. Only five percent of the project's housing units will be restricted as affordable, far less than is required to bring the project and Hollywood area into compliance with city and state affordable housing requirements.

This Petition is being provided pursuant to the notice provisions of the Public Resources Code. Please contact me if you have any questions.

Sincerely,

Michelle Black

Enclosure

PROOF OF SERVICE

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254 . On July 22, 2019, I served the within documents:

LETTER TO THE CA ATTORNEY GENERAL REGARDING PETITION FOR WRIT OF MANDATE

VIA UNITED STATES MAIL.

I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

I declare that I am employed in the office of a member of the bar of this court whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 22, 2019, at Hermosa Beach, California 90254.

/s/ Cynthia Kellman

Cynthia Kellman

SERVICE LIST

Office of the CA Attorney General
300 South Spring Street, Ste. 1700
Los Angeles, CA 90013

EXHIBIT B



Hermosa Beach Office
Phone: (310) 798-2400
Fax: (310) 798-2402

Chatten-Brown, Carstens & Minter LLP

2200 Pacific Coast Highway, Suite 318

Hermosa Beach, CA 90254

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Direct Dial:
310-798-2400 Ext. 5

San Diego Office
Phone: (858) 999-0070
Phone: (619) 940-4522

July 19, 2019

By U.S. Mail

Holly L. Wolcott

Los Angeles City Clerk

200 N. Spring Street City Hall - Room 360

Los Angeles, CA 90012

Re: Challenge under the California Environmental Quality Act to
approval of a 26-story, 200-unit mixed-use development project at 6400
West Sunset Boulevard, Hollywood (Amoeba Music)

Dear Ms. Wolcott,

Please take notice that AIDS Healthcare Foundation and Coalition to Preserve LA plan to file a Petition for Writ of Mandate challenging the City of Los Angeles' failure to comply with the California Environmental Quality Act (CEQA) in approving the project at 6400 West Sunset Boulevard.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michelle Black', written over a light blue horizontal line.

Michelle Black

PROOF OF SERVICE

I am employed by Chatten-Brown & Carstens LLP in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2200 Pacific Coast Highway, Ste. 318, Hermosa Beach, CA 90254 . On July 22, 2019, I served the within documents:

LETTER TO LOS ANGELES CITY CLERK

VIA UNITED STATES MAIL. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I enclosed the above-referenced document(s) in a sealed envelope or package addressed to the person(s) at the address(es) as set forth below, and following ordinary business practices I placed the package for collection and mailing on the date and at the place of business set forth above.

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/s/ Cynthia Kellman

Cynthia Kellman

SERVICE LIST

Holly L. Wolcott
Los Angeles City Clerk
200 N. Spring Street City Hall - Room 360
Los Angeles, CA 90012

EXHIBIT C

CHATTEN-BROWN CARSTENS & MINTEER LLP
Douglas P. Carstens, SBN 193439
Michelle Black, SBN 261962
2200 Pacific Coast Hwy, Suite 318
Hermosa Beach, CA 90254
310.798.2400; Fax 310.798.2402

Attorneys for Petitioners
AIDS Healthcare Foundation;
Coalition to Preserve LA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

AIDS HEALTHCARE FOUNDATION;
COALITION TO PRESERVE LA

Petitioners,

v.

CITY OF LOS ANGELES

Respondent.

6400 Sunset LLC;
Does 1-10

Real Parties In Interest

) CASE NO.:

) NOTICE OF ELECTION TO PREPARE
) ADMINISTRATIVE RECORD


) (Violation of California Environmental
) Quality Act, Community Redevelopment
) Law, Subdivision Map Act, and Planning
) and Zoning Law)

1 PLEASE TAKE NOTICE:

2 Pursuant to Public Resources Code section 21167.6, Petitioners, AIDS Healthcare
3 Foundation and Coalition to Preserve LA, hereby elect to prepare the administrative record in
4 this matter.

5 DATE: July 22, 2019

6 Respectfully Submitted,
7 CHATTEN-BROWN CARSTENS
8 & MINTEER LLP

9 By: 
10 Douglas P. Carstens
11 Michelle Black
12 Attorneys for Petitioners
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